

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1553 of 2024

Arising Out of PS. Case No.-357 Year-2023 Thana- RIVILGANJ District- Saran

RAJ KUMAR RAI @ RAJ KUMAR YADAV @ DEV KUMAR RAI SON
OF LALBABU RAI RESIDENT OF VILLAGE - PACHPATARA, P.S. -
REVELGANJ, DISTRICT - SARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SITU KUMAR CHAUDHARY SON OF LATE DINANATH
CHAUDHARY RESIDENT OF VILLAGE - PACHPATARA, P.S. -
REVELGANJ, DISTRICT - SARAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Kumar Singh, Advocate
For the Resp.No.2	:	Mr. Nawal Kishore Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-07-2025 Heard Mr. Pramod Kumar Singh, learned counsel

for the appellant, Mr. Nawal Kishore Singh, learned counsel for

the Respondent No.2 as well as Mr. Sadanand Paswan, learned

Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
09.01.2024 passed by the learned Court of Exclusive Special
Judge, SC/ST Saran at Chapra in connection with Revelganj P.S.
Case No. 357 of 2023, F.I.R. dated 04.12.2023 registered under
Sections 341, 323, 324, 325, 504, 506 of the Indian Penal Code
and Sections 3 (i) (r) (s)/3 (2)(va) of the Scheduled Castes and



Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that when he went to participate in the event of marriage ceremony of his relative then all of a sudden the appellant along with other accused persons arrived there and took him out of the house and abused and assaulted him.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. Although the appellants are named in the FIR but from bare perusal of the FIR it appears that there is no specific allegation of assault or overt act or abusing in the caste named against the appellant and specific allegation is against co-accused persons, namely, Khuman Kumar and Manish Kumar Rai and as far as allegation against this appellant is concerned allegation against him is general and omnibus and there is case and counter case between the parties.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the Respondent No.2 have vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the FIR and apart from that, the appellant carries one criminal antecedent other than the present one but fairly submits that he is on bail in the pending



matter.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts and circumstances, there is no specific allegation against the appellants and there is case and counter case between the parties, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST Saran at Chapra in connection with Revelganj P.S. Case No. 357 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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